<u>REMARKS</u>

Claims 1, 3, 5-9, 11, 15-19 and 23-31 remain in this application, with Claims 2, 4, 10, 12-14 and 20-22 cancelled and Claims 1, 3, 5-7, 9, 11, 15-16, 23 and 28-29 amended. The Applicant respectfully requests reconsideration and review of the application in view of the amendments and the following remarks. By the foregoing amendments, no new matter has been added.

The Examiner rejected Claims 1, 2, 16, 28 and 29 under 35 U.S.C. § 112, ¶ 2, for lacking proper antecedent basis and for being indefinite. In response thereto, the Applicant has amended Claims 1, 16 and 29 to provide proper antecedent basis for the identified terms. Furthermore, per the Examiner's suggestion, the Applicant has amended Claim 28 to depend from Claim 23. Therefore, in light of these amendments, and the cancellation of Claim 2, these rejections should be withdrawn.

Before addressing the merits of the rejections based on prior art, a brief description of the present application is provided. The present invention provides a system and method for a searching-user (e.g., a matchmaker) to introduce a client-user (e.g., a friend, client, etc.) to a prospect-user (e.g., a potential mate). In one embodiment of the present invention, a searching-user provides a profile of a client-user to a computer program (e.g., an internet website, etc.). The program responds by providing the searching-user with a plurality of profiles associated with prospect-users (e.g., potential mates). The searching-user then selects one of the prospect-users. The program responds by sending a first message to the selected prospect-user. The first message includes the profile of the client-user but does not include the identity of the searching-user. Thus, the searching-user remains anonymous to the selected prospect-user.

If the selected prospect-user indicates an interest in the client-user (e.g., a desire to date, etc.), the program responds by sending a second message to the client-user. The second message includes the profile of the prospect-user but does not include the

identity of the prospect-user. Thus, the prospect-user remains anonymous to the client-user. If the client-user indicates an interest in the prospect-user, the program responds by sending a third message to the prospect-user. The third message is used, for example, to exchange personal information (e.g., email addresses, identifying information, etc.). Thus, the computer program not only allows a third party (e.g., a matchmaker) to initiate an introduction between a first and second party, but it (i) allows information (e.g., profiles, etc.) to be sent to the parties anonymously and (ii) only provides identifying information once both parties agree to do so.

The claims have been amended to further emphasis the "anonymous" features of the present invention. For example, independent Claim 1 now includes the limitations of original Claims 12 and 14 (i.e., transmitting a response message to the client-user via an intermediary, wherein the intermediary removes identifying information associated with the prospect-user) and independent Claim 16 now includes the limitations of original Claims 20 and 21 (i.e., routing a recommendation message through an intermediary, wherein the intermediary removes identifying information associated with the searching-user). It should be appreciated that the present amendments were made solely to expedite allowance of the claims. The Applicant reserves the right to further prosecute the claims as originally filed and the subject matter incorporated therein.

The Examiner rejected Claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Kurzius et al. (U.S. Pat. No. 6,385,620). The Examiner further rejected Claims 4-6, 1-11 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius. The Examiner also rejected Claims 7-9, 12-15 and 20-31 as being unpatentable over Kurzius in view of Walker et al. (U.S. Pat. No. 5,884,272). These rejections are respectfully traversed.

Kurzius is directed toward a system that manages candidate recruiting information. Col. 1, ll. 15-20. Specifically, Kurzius provides a computer system that is adapted to receive candidate qualification data (e.g., resume data), link the qualification data to a candidate identifier, use the qualification data to index the candidate identifier,

and assign the candidate identifier to a particular category in a candidate map (e.g., categorizing the candidate by geographical location, education, work interest, etc.). Col. 1, l. 58 – col. 2, l. 37. The computer system is also adapted to receive and index employment data (e.g., job opportunities). Col. 5, ll. 57-62. Such a system allows resume and job information to be electronically accessible to, and easily searchable by, employers, recruiters and candidates (e.g., potential employees).

Kurzius provides that candidates can access the computer system to search for job postings. If a candidate expresses an interest in applying for a particular job, the job's electronic record is updated to include the candidate's identifier. Fig. 7; col. 10, l. 44 – col. 11, l. 54. Employers can also access the computer system to identify candidates that have been linked to their job postings. Fig. 11; col. 14, ll. 5-8. If an employer expresses an interest in a particular candidate, the candidate is notified (e.g., by email). Fig. 11; col. 14, ll. 25-35. As for recruiters, Kurzius states that they are used to "review submitted candidate qualification data and job postings." Col. 5, ll. 57-67. If the candidate is accepted, they are added to a database. Fig. 9; col. 12, l. 59 – col. 13, l. 9. If the candidate is not accepted, they are deleted from the system. *Id.* The recruiters are also allowed to search for job postings (col. 12, ll. 37-58) and to link qualified candidates to a job's electronic record (col. 7, ll. 29-34).

There are several distinctions between Kurzius and the pending claims. First, Kurzius provides that once a recruiter links a particular candidate to a particular job listing, the employer can *only* learn of the candidate by (i) logging on to the system and (ii) selecting the particular job listing. Thus, Kurzius requires the employer to continuously monitor their posting on the system to learn (i) whether candidates are interested their job and (ii) the qualifications (e.g., resume, etc.) of interested candidates. Such a system could be extremely burdensome if the employer has posted in a number of different forums (e.g., on a number of different systems, etc.).

In contradistinction, the present invention provides that a "recommendation message," which include the client-user's profile, is "transmitted" to the prospect-user.

This is beneficial because it allows the user to learn about recent happenings (or recommendations) without having to be logged on to the system.

The Examiner stated that this feature of the present invention would have been obvious to one skilled in the art in view of Kurzius. *See* Office Action, ¶ 12. The Applicant respectfully disagrees. First of all, the present invention involves an environment in which both parties (i.e., the client-user and the prospect-user) may infrequently (at best) interact with the system. For example, a client-user may stop interacting with the system if they don't receive immediate results (e.g., interest in their profile, etc.). Therefore, it may be necessary to communicate with (or transmit information to) both parties without requiring them to log on to the system.

In Kurzius, however, only one party (i.e., the candidate) is likely to lose interest in the system. The other party (i.e., the employer) most likely has an official (perhaps paid) relationship with the system, and is likely to interact with the system as long as that relationship exists. This is further substantiated by Kurzius, in which email is used to communicate with the candidate (*see, e.g.,* col. 14, ll. 28-32), but not used to communicate with the employer (*see, e.g.,* col. 10, l. 44 – col. 11, l. 54). Because there is not disclosure or suggestion of this feature in Kurzius, and because Kurzius actually teaches away from such a feature, the rejections of independent Claims 1, 16 and 29, as well as Claims 3, 5-9, 11, 15-19, 23-28 and 30-31, which depend therefrom, should be withdrawn.

Secondly, Kurzius differs from the present invention in that Kurzius fails to disclose any form of anonymity. In other words, there is no disclosure or suggestion in Kurzius that the employer is unaware of the identify of the linked candidate or the identify of the recruiter. Furthermore, there is not disclosure or suggestion in Kurzius that the candidate is unaware of the identity of the employer. The Examiner states that this feature is disclosed in Walker, and that the claims pertaining to anonymity are unpatentable over Kurzius in view of Walker. Again, the Applicant respectfully disagrees.

While Walker provides a system that provides anonymous communication (*see*, *e.g.*, Fig. 9), there is no motivation or teaching to combine this feature with Kurzius. For example, it would not have been obvious to modify the system of Kurzius to prevent the employer from learning the identity of the recruiter. In fact, an employer may be more likely to consider a particular candidate if they are aware of the identity of the recruiter. Therefore, because Kurzius and Walker, either alone or in combination, fail to disclose or suggestion the step of "transmitting a recommendation message to said selected prospect-user by routing said message through an intermediary, wherein said *intermediary removes identifying information associated with said searching-user* from said recommendation message before forwarding said recommendation message to said selected prospect-user," the rejection of independent Claim 16, as well as independent Claim 29, which includes similar limitations, should be withdrawn. Furthermore, the rejections of Claims 17-19, 23-28 and 30-31, which depend from the aforementioned independent claims, should also be withdrawn.

Similarly, there is no motivation to modify the system of Kurzius to prevent the candidate from learning the identity of the employer, especially if the employer is interested in arranging an interview. The candidate would most likely learn of the identity of the employer when the candidate learned about the job opportunity. At the very least, the candidate would be provided with the identity of the employer once the employer requested an interview with the candidate. Therefore, because Kurzius and Walker, either alone or in combination, fail to disclose or suggestion a system configured to "transmit a recommendation message to said selected prospect-user; obtain a response message from said at least one of said selected prospect-user; and transmit said response message to said client-user via an intermediary, wherein said *intermediary removes identifying information associated with said prospect-user*," the rejection of independent Claim 1, as well as independent Claim 29, which includes similar limitations, should be withdrawn. Furthermore, the rejections of Claims 3, 5-9, 11, 15, and 30-31, which depend from the aforementioned independent claims,

should be withdrawn.

In view of the foregoing, the Applicant respectfully submits that Claims 1, 3, 5-9, 11, 15-19, 23-31 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicant encourages the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicant petitions the Commissioner for a three-month extension of time, extending to November 8, 2004 (the first business day following November 7, 2004); the period for response to the Office Action dated May 7, 2004. Our check in the amount of $490 is enclosed for the petition for a three-month extension of time. The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,

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